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5/24/05

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-VS-

IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.

JUDGMENT IN A CRIMINAL CASE

FOR OFFENSES COMMITTED ON OR AFTER NOVEMBER 1, 1987)

★ MAY 25 2005 ★

JACQUELINE MARINO-PENABAZCO BROOKLYN OFFICE CASE NO.: CR-04-591

COUNSEL: MICHAEL WEIL, LAS

THE DEFENDANT:

X pleaded guilty to count(s) ONE OF INDICTMENT  
— was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

<u>Title/Section</u>	<u>Nature of Offense</u>	<u>Date concluded</u>	<u>Count #</u>
21:952	IMPORT HEROIN	5/23/04	1

The deft is sentenced as provided in pgs. 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

— The deft has been found not guilty on cts. \_\_\_\_\_ and is discharged as to such cts.  
X Count(s) REMAINING is/are dismissed on motion of A.U.S.A.  
X It is ordered that the deft shall pay a special assessment of  
\$ 100.00 for count(s) ONE.

IT IS FURTHER ORDERED that the deft shall notify the U.S. attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defts S.S. No. NONE

IAN. 28, 2005

Date of imposition of sentence

Defts D.O.B. \_\_\_\_\_

Defts USM No: 63181-053

\_\_\_\_\_  
Signature of Judicial Officer

Defts residence address:

EDWARD R. KORMAN, U.S.D.J.

Name/Title of Judicial Officer

CUSTODY

A TRUE COPY ATTEST

DATED \_\_\_\_\_

ROBERT C. HEINEMANN

CLERK

BY \_\_\_\_\_

Deputy Clerk

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of:

THIRTY (30) MONTHS.

— The Court makes the following recommendations to the Bureau of Prisons:

X The defendant is remanded to the custody of the U.S. Marshal.

— The defendant shall surrender to the U.S. Marshal for this district.

— at \_\_\_\_\_ on \_\_\_\_\_.

as notified by the U.S. Marshal.

— The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

— by \_\_\_\_\_.

as notified by the U.S. Marshal.

— as notified by the Probation Office.

## RETURN

I have executed this judgment as follows:\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_ with a  
certified copy of this judgment.

United States Marshal

By Deputy Marshal

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of THREE (3) YRS..

**ADDITIONAL CONDITIONS:**

**THAT DEFT NOT ILLEGALLY RE-ENTER THE UNITED STATES AFTER DEPORTATION/EXCLUSION.**

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

   The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse.

  X   The defendant shall not possess a firearm as defined in 18 U.S.C. Section 921.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth above.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions set forth above.

**STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instruction of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol;
- 8) the defendant shall not frequent places where controlled substance are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer.
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement